

JAN 28 2005

Dkt. 72314/JPW/PT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kunio Maruyama, et al.

Serial No.: 10/828,468

Examiner: L.S. Weiner

Filed: April 19, 2004

Group Art Unit: 1745

For: POLYMER GEL ELECTROLYTE COMPOSITION AND METHOD OF
PRODUCING THE SAME

1185 Avenue of the Americas
New York, New York 10036
January 21, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO DECEMBER 21, 2004 OFFICIAL COMMUNICATION

This Response is submitted in reply to the December 21, 2004 Office communication from the U.S. Patent and Trademark Office (PTO) in connection with the above-identified patent application. A response to the December 21, 2004 Office communication is due January 21, 2005. Accordingly, this Response is being timely filed.

The December 21, 2004 Office communication stated that the Communication In Response To November 4, 2004 Restriction Requirement which was filed by Applicants on December 3, 2004 was not fully responsive because Applicants, in addition to having elected Group I, claims 1-10, are required to elect a species.

In a telephone conference on January 3, 2005 between the undersigned and Examiner Laura S. Weiner assigned by the PTO to examination of this application, the Examiner clarified that Applicants must

- (i) select one of the crosslinkable monomers in claim 8,
including identifying two of the listed reactive

- functional groups (that is, vinyl group, epoxy group, amino group, amide group, imide group, hydroxyl group, methylol group, carboxyl group and isocyanate group),
- (ii) select one of the non-crosslinked polymer in claim 1, including identifying whether it comprises an ethylene unit, a propylene unit or both, and
- (iii) select one of the polyalkylene glycol in claim 3 (that is, polyethylene glycol, polypropylene glycol or polyethylene/propylene glycol).

In response to the species election requirement, Applicants hereby elect, with traverse, to prosecute the species comprising (i) a crosslinkable monomer having a methylol group and an isocyanate group, (ii) a non-crosslinked polymer having an ethylene unit and a propylene unit, and (iii) polyethylene glycol.

As discussed previously of record, Applicants, however, respectfully request that the Examiner reconsider and withdraw the requirement.

Applicants maintain that the various species are not independent. In addition, Applicants further maintain that it would not be a serious burden on the Examiner if restriction is not required, because a search of the prior art for one species would likely identify art for other species. Accordingly, the Examiner should examine all of the species covered by the claims on the merits.

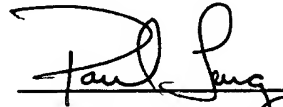
Accordingly, in view of the preceding remarks, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is

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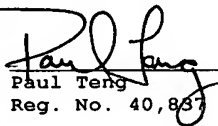
hereby given to charge the amount of any such fee to Deposit
Account No. 03-3125.

Respectfully submitted,



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Paul Teng
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January 21, 2005
Date